

IN RE:	)	
	)	
LARRY E. CHARLES and SHIRLEY M.	)	Bankruptcy No. 19-10095-TPA
CHARLES,	)	
	)	Chapter 12
Debtors.	)	
_____	)	Document No. _____
CNH INDUSTRIAL CAPITAL AMERICA	)	
LLC,	)	
	)	Related to Document Nos. 93, 130
Movant,	)	
	)	
v.	)	
	)	
LARRY E. CHARLES, Debtor, and	)	
RONDA J. WINNECOUR, Chapter 12	)	
Trustee,	)	
	)	
Respondents.	)	

**AGREED ORDER FOR RELIEF FROM THE AUTOMATIC STAY**

WHEREAS, CNH Industrial Capital America LLC (“Movant”) filed a Motion for Relief from the Automatic Stay at Docket No. 93, (the “Motion”) and the Debtors filed a Response thereto at Docket No. 107; and

WHEREAS, the parties hereto desire and request that the Court approve and enter this Agreed Order in resolution of the Motion.

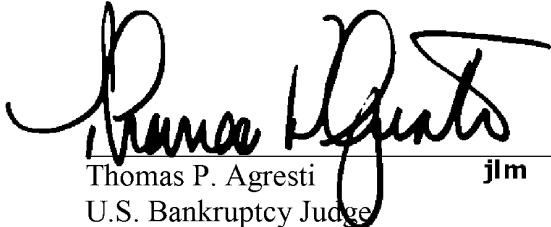
NOW THEREFORE, this 30th day of August, 2019, it appearing to the Court that cause exists for entry of this Agreed Order, it is therefore

ORDERED, ADJUDGED and DECREED as follows:

1. The Motion is granted and the automatic stay is terminated as it affects the Case IH Magnum Tractor, Model 275, Serial Number Z9RZ02084. Notwithstanding the foregoing, Debtors may retain the Tractor until October 1, 2019 and shall surrender it to Movant promptly upon request on or after October 1, 2019. In the meantime, Debtors shall insure the Tractor and maintain it in good operating condition at 28762 Deckards Road, Cochran, PA 16314. Debtors shall permit Movant or its agents to enter their property to remove the Tractor when it is required to be surrendered hereunder.

2. The Motion is denied. Certificate of Notice. Page 2 of 3  
NGM412640. Movant shall have an allowed secured claim in the amount of \$3,000, which shall be payable over 60 months with interest of 6.25% per annum; and shall have an allowed unsecured claim as to the balance of Movant's Claim No. 7.
3. Debtors will file an Amended Chapter 12 Plan that will incorporate the terms of Paragraphs 1 and 2 of this Agreed Order.
4. A failure or refusal of the Debtors to permit Movant to recover the Tractor on or after October 1, 2019 as directed in Paragraph 1 of this Order shall be treated as a contempt of court.
5. This Agreed Order shall be of no further force or effect if the Debtors' case is dismissed or converted to Chapter 7.

SO ORDERED:

  
Thomas P. Agresti jlm  
U.S. Bankruptcy Judge

Executed on: August 29, 2019

By: s/ Brian C. Thompson  
Brian C. Thompson, Esquire  
PA I.D. No. 91197  
125 Warrendale Bayne Road, Suite 200  
Warrendale, PA 15086  
Phone (724) 799-8404  
[bthompson@thompsonattorney.com](mailto:bthompson@thompsonattorney.com)

Executed on: August 27, 2019

By: s/ David A. Scott  
David A. Scott, Esquire  
LeClaire Griewahn & Scott LLC  
835 Western Avenue  
Pittsburgh, PA 15233  
[scott@lg-law.com](mailto:scott@lg-law.com)  
Phone 412.321-9303

Executed on: August 27, 2019

By: s/ Ronda J. Winnecour  
Chapter 12 Trustee  
Ronda J. Winnecour  
Suite 3250 USX Tower  
600 Grant Street  
Pittsburgh, PA 15219  
(412) 471-5566

## Imaged Certificate of Notice Page 3 of 3

United States Bankruptcy Court  
Western District of PennsylvaniaIn re:  
Larry E. Charles  
Shirley M. Charles  
DebtorsCase No. 19-10095-TPA  
Chapter 12**CERTIFICATE OF NOTICE**

District/off: 0315-1

User: lfin  
Form ID: pdf900Page 1 of 1  
Total Noticed: 1

Date Rcvd: Aug 30, 2019

Notice by first class mail was sent to the following persons/entities by the Bankruptcy Noticing Center on  
Sep 01, 2019.

db/jdb +Larry E. Charles, Shirley M. Charles, 1407 Deckards Run Road, Cochranton, PA 16314-9343

Notice by electronic transmission was sent to the following persons/entities by the Bankruptcy Noticing Center.  
NONE. TOTAL: 0

\*\*\*\*\* BYPASSED RECIPIENTS \*\*\*\*\*

NONE.

TOTAL: 0

Addresses marked '+' were corrected by inserting the ZIP or replacing an incorrect ZIP.  
USPS regulations require that automation-compatible mail display the correct ZIP.

Transmission times for electronic delivery are Eastern Time zone.

**I, Joseph Speetjens, declare under the penalty of perjury that I have sent the attached document to the above listed entities in the manner shown, and prepared the Certificate of Notice and that it is true and correct to the best of my information and belief.****Meeting of Creditor Notices only (Official Form 309): Pursuant to Fed. R. Bank. P. 2002(a)(1), a notice containing the complete Social Security Number (SSN) of the debtor(s) was furnished to all parties listed. This official court copy contains the redacted SSN as required by the bankruptcy rules and the Judiciary's privacy policies.**

Date: Sep 01, 2019

Signature: /s/Joseph Speetjens**CM/ECF NOTICE OF ELECTRONIC FILING**The following persons/entities were sent notice through the court's CM/ECF electronic mail (Email)  
system on August 30, 2019 at the address(es) listed below:

Brian C. Thompson on behalf of Debtor Larry E. Charles bthompson@ThompsonAttorney.com,  
blemon@thompsonattorney.com;mgillespie@thompsonattorney.com;bthompson@ecf.courtdrive.com;jgorze@t  
hompsonattorney.com;bwamsley@thompsonattorney.com

Brian C. Thompson on behalf of Joint Debtor Shirley M. Charles bthompson@ThompsonAttorney.com,  
blemon@thompsonattorney.com;mgillespie@thompsonattorney.com;bthompson@ecf.courtdrive.com;jgorze@t  
hompsonattorney.com;bwamsley@thompsonattorney.com

Christopher P. Schueller on behalf of Creditor Fairport Asset Management II, LLC successor to  
Commerical Loan Investment VII, LLC christopher.schueller@bipc.com, donna.curcio@bipc.com

Christopher P. Schueller on behalf of Creditor Commercial Loan Investment VII, LLC  
christopher.schueller@bipc.com, donna.curcio@bipc.com

David A. Scott on behalf of Creditor CNH Industrial Capital America LLC scott@lg-law.com

James Warmbrodt on behalf of Creditor DITECH FINANCIAL LLC bkgroup@kmlawgroup.com

Jill Locnikar on behalf of Creditor United States of America acting through Farm Service  
Agency jill.locnikar@usdoj.gov,  
patricia.fitzgerald@usdoj.gov;caseview.ecf@usdoj.gov;Marla.Kirkland@usdoj.gov

Kelly M. Neal on behalf of Creditor Fairport Asset Management II, LLC successor to Commerical  
Loan Investment VII, LLC kelly.neal@bipc.com, donna.curcio@bipc.com

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donna.curcio@bipc.com

Office of the United States Trustee ustpreion03.pi.ecf@usdoj.gov

Robert S. Adams on behalf of Creditor CNH Industrial Capital America LLC  
radams@pollockbegg.com, legaldudersa@msn.com;legaldudersa@hotmail.com

Ronda J. Winnecour cmecf@chapter13trusteedpa.com

TOTAL: 12